

REMARKS

Independent claim 9, as currently amended, and new claim 31, which depends on claim 9, are pending in the application.

Claim 9 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,522,075 ("Robinson").

Claim 9, as previously presented (i.e., before the current amendment), included allowing guest software to attempt an operation if the attempt would not succeed if the guest software was running outside said processor mode. To anticipate a claim under 35 U.S.C. §102(b), a reference must teach every element of the claim (MPEP 2131). However, in the office action mailed on May 1, 2006, the examiner argued that "allowing the guest software to attempt the operation need not requisitely be shown" because Robinson does not describe determining that the guest software would not succeed if the guest software was running outside the processor mode.

Claim 9 has been amended to include determining that the attempt of the guest software would fail if the guest software was running outside said processor mode. As argued by the examiner, Robinson does not describe determining that the guest software would not succeed if the guest software was running outside the processor mode.

Therefore, Robinson does not disclose at least two limitations of claim 9, as amended (determining that the attempt of the guest software would fail if the guest software was running outside said processor mode, and allowing the guest software to attempt the operation), and does not anticipate claim 9. The withdrawal of the rejection of claim 9 is respectfully requested.

Claim 31, a new claim depending on claim 9, has been added. Support for claim 31 may be found in Figure 6 and the corresponding description.

42390P9770

Application Serial No.: 09/752,134

CONCLUSION

Based on the foregoing, it is respectfully submitted that the rejection of claim 9 has been overcome, and that claims 9 and 31 are in condition for allowance. The issuance of a Notice of Allowance is therefore requested. Please charge any necessary fees to our Deposit Account No. 50-0221.

Respectfully submitted,

Date: July 31, 2006

/Thomas R. Lane/

Thomas R. Lane

Registration No. 42,781